



apply from \$250,000 to \$325,000. *Id.* Lead Plaintiff filed this as an emergency motion because the Settlement Administrator anticipates disseminating the Notice on June 7, 2013. *Id.*

The Certificate of Conference indicates that Defendants Penson Worldwide, Inc., Philip A. Pendergraft, Kevin W. McAleer, Roger J. Engemoen, Daniel P. Son, and Thomas R. Johnson do not oppose Lead Plaintiff's motion. However, at the time the motion was filed, counsel for Defendants BDO Seidman, LLP and BDO USA, LLP had not yet determined whether BDO Seidman, LLP and BDO USA, LLP opposed the motion or not. The Court ordered that any opposition to Lead Plaintiff's motion must be filed no later than 2:00 p.m. on June 6, 2013. No defendants filed any opposition to Lead Plaintiff's motion by this deadline. The Court interprets BDO Seidman, LLP and BDO USA, LLP's failure to file any opposition by the Court's deadline as an indication that they are unopposed to Lead Plaintiff's request. Accordingly, the Court treats Lead Plaintiff's motion as unopposed.

Having considered the motion, the Court finds it is well-taken and should be and is hereby **GRANTED**.

Accordingly, it is **ORDERED** that Lead Plaintiff may modify paragraph five of the "Notice of Pendency and Proposed Settlement of Class Action, Final Approval Hearing, and Motion for Attorneys' Fees and Reimbursement of Expenses," attached as exhibit "A" to Lead Plaintiff's motion, to state that Lead Counsel may apply to the Court for reimbursement of expenses not to exceed \$325,000.

**SO ORDERED** on this **6th** day of **June, 2013**.

  
Reed O'Connor  
UNITED STATES DISTRICT JUDGE